IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 882 OF 2005

IN

SECOND APPEAL NO. 41 OF 2005

SHRI JOSE PAULO FERNANDES AND ANR., ...Applicants

Versus

DR.ALBERT D'SOUZA AND 6 ORS., ...Respondents

Mr. Zeller D'Souza, Advocate for the applicants.

Coram:- D. D. SINHA, J.

Date:- 9th December, 2005

P.C.

Heard Mr. D'Souza, the learned Counsel for the applicants. Misc. Civil Application No. 882/2005 is moved by the applicants seeking permission to permit the appellant No.2 to prosecute the second appeal. The learned Counsel for the applicants states that applicant No.1 died during the pendency of the second appeal and applicant No.2 is the sole suriving legal representative who is already on record. He, therefore, prays that permission be granted to prosecute the appeal by applicant No.2.

In the backdrop of the above referred facts, particularly in view of the statement made by the learned Counsel for the applicants that right to sue survives even after the death of applicant No.1 and applicant No.2 being the sole surviving legal representative of applicant No.1, Misc. Civil Application is allowed.

D. D. SINHA, J.

ssm.